

**TRINITY & FARSIOU, LLC**

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Attorneys for Defendants, Lawrence Garafola and Facts Technology, LLC

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

SANDHILLS GLOBAL, INC.,

Civil Action No.: 19-cv-20669

Plaintiffs,

v.

LAWRENCE GARAFOLA, individual, and  
FACTS TECHNOLOGY, LLC, a New Jersey  
limited liability company,

Defendants.

**CERTIFICATION OF  
STEVEN D. FARSIOU, ESQ.**

I, Steven D. Farsiou, of full age, certify as follows:

1. I am an attorney-at-law of the State of New Jersey and a member of the law firm of Trinity & Farsiou, LLC, attorneys for the Defendants, Lawrence Garafola and Facts Technology, LLC in this matter. I am the attorney responsible for this case and am fully familiar with the facts and circumstances relating thereto. I submit this Certification in support of Defendants' Opposition to Plaintiff's Proposed Findings of Fact and Conclusions of Law.

2. Attached hereto as Exhibit A is a true and accurate copy of the Certification of Lawrence Garafola.

3. Mr. Garafola has acknowledged to me that his signature as it appears on his Certification is genuine. A copy of the Declaration with the original signature pages is affixed thereto will be filed with the Court if requested by the Court or any party.

I certify that the foregoing statements are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

**TRINITY & FARSIOU, LLC**  
Attorneys for Defendants

Dated: 3/12/2020

  
\_\_\_\_\_  
STEVEN D. FARSIOU

# Exhibit A

**TRINITY & FARSIOU, LLC**

Steven D. Farsiou, Esq. (026442000)  
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Defendants.

Civil Action No.: 19-cv-20669

**CERTIFICATION OF  
LAWRENCE GARAFO LA**

I, Lawrence Garafola, of full age, certify as follows:

1. I am the Defendant in the above-captioned matter. In such capacity, I am familiar with this matter.
2. I submit this Certification in response to Sandhills' Proposed Findings of Fact and the newly submitted March 3, 2020 Declaration of Evan Welch.
3. I am the founder of Equipmentfacts and worked as the Chief Executive Officer for over 18 years.
4. As the founder, I know exactly how Equipmentfacts operated when I owned it, when I sold it to Sandhills and when I was employed with Sandhills before my abrupt termination on August 7, 2019. I also know how Equipmentfacts is being operated currently, which has not changed since my termination.

5. I was present at the Preliminary Injunction hearings that took place on February 6 and February 21, 2020.

6. In reviewing the newly submitted Declaration and the Proposed Findings of Fact, it is clear that Sandhills is now attempting to change its position.

7. Once my attorney provided documents, which were in Sandhills' possession but not produced, to provide context to the cherry-picked documents submitted by Sandhills, Sandhills began to change their position in this case.

8. The newly submitted Declaration of Evan Welch states, under oath, that if the Court would have permitted re-direct examination, Mr. Welch would have provided the information contained in his Declaration.

9. With all due respect to the Court, Mr. Welch had ample time while on the witness stand to provide this new position.

10. Sandhills' attorney asked me questions on cross-examination and ended his questioning early. There was ample time for me to be questioned about this new position being taken.

11. The documents that were provided by me were found after I listened to Mr. Welch's testimony on February 6, 2020. As I testified, I found these documents on an old phone that had some emails from my equipmentfacts address. These emails were definitely available to Sandhills but it chose not to produce them.

12. The documents I produced disputed each and every claim that Sandhills made during the hearing. This evidence should have been produced by Sandhills.

13. It was clear during my testimony that Sandhills could not dispute the evidence which demonstrates I did nothing improper and was actively working in the interests of Sandhills.

14. In the newly submitted Declaration by Mr. Welch, three new claims, which were never presented during the hearings or at any other time, including but not limited to, the first lawsuit entitled, Sandhills Global, Inc. v. Garafola, et. al., Docket No.: 3:19-cv-17225 (MAS)(TJB) (“Sandhills 1”), the preliminary injunction application in Sandhills 1 and the unemployment application for my son. These new claims are: (1) Sandhills performs white label and software licensing, (2) I violated their Email Policy and (3) HiBid is now being used for the first time.

15. According to Mr. Welch, I testified that I simply want to sell software licenses, via Auctioneer Facts. This is incorrect. I testified that I want to conduct business as Facts Technology, Auctioneer Facts and Dealer Facts by selling software licenses as a true white label service. My attorney has made it clear from the beginning that I want to be able to have auction services that do not compete with the business of Equipmentfacts. However, because of this litigation and the constant strain of litigation fees, I have decided to concentrate on selling white label services because Sandhills does not perform this service.

16. Mr. Welch’s testimony and his newly submitted Declaration make it clear that he does not understand what a white label service is. In fact, it confirms Sandhills does not perform such services.

17. Neither Sandhills’ Equipmentfacts nor any other “brand” offers a white label service. A white label service is when a product, such as a software program, is produced by one company, such as Facts Technology, and sold to a third-party so that third-party can then rebrand the product with its name and/or logo as if the third-party made it. There are no other services being provided.

18. Mr. Welch’s newly submitted Declaration, and his testimony, do not even mention the characteristic that defines a white label service – rebranding. In addition, Mr. Welch confirms that all Sandhills so-called white label service involves performing auctions. This is not a white label

service. It is clear that Sandhills simply makes its own rules to fit whatever position they need to take.

19. Equipmentfacts never provided a white label solution and still does not offer it. It certainly does not provide a white label service as to software systems. Mr. Welch's testimony and newly submitted Declaration confirm this. Sandhills' website, [www.sandhills.com](http://www.sandhills.com), none of the "brands" state that it provides a white label service. The only place this appears is with respect to Auction Flex and HiBid, which was not (and is not) owned by Sandhills before, during or after my involvement with Sandhills. We also provided evidence at the hearing to confirm this. (See D19, D20 and D21).

20. It appears that Sandhills is drowning me in litigation to try and protect Auction Flex and Hibid. However, no evidence has been produced to support any claim that Auction Flex and Hibid actually perform such a service. Notwithstanding this, this would not apply to me as Auction Flex and Hibid were not owned by Sandhills, and I was never involved in any white label service while employed with Sandhills.

21. Hibid and Auction Flex state "private label solution and a portal." (**Exhibit 1**). There is no branding and the portal must be used.

22. In contrast, Facts Technology, Auctioneer Facts and Dealer-Facts only provide a white label solution. (**Exhibit 2**). The customer controls everything.

23. Sandhills provides a service of building websites, hosting websites and hosting email systems for various auctioneers. Sandhills creates the website so the auctioneer has tabs and links to its bidders and not its competitors. (**Exhibit 3**). Significantly, any bidder who wants to attend an Equipmentfacts' online auction must have their own unique Equipmentfacts' bidder number and password, which can be revoked by Sandhills. (**Exhibit 4**). This is not a white label service.

24. Facts Technology does not provide a bidder number or password and does not have the authority to revoke a bidder. This is all done by the auction company, such as Sandhills.

25. Mr. Welch does not make any claim that Sandhills provides a white label service as to a software program. The website hosting being done by Sandhills is branded by its information. Moreover, it is never branded as Equipmentfacts because Equipmentfacts does not host websites or email systems. The website is not passed off as created by the customer. It specifically states the site is hosted by Sandhills, Auction Time, Machinery Trader or Tractor House.

26. In Mr. Welch's newly submitted Declaration, he states Iowa Machinery Man, Ed's Machinery, LLC, B&S Equipment Sales, Jeffs Tractors, LLC, and Ryan Auction Sales, Inc. are provided white label services by Equipmentfacts. This is a false statement. For example, the Iowa Machinery Man website's homepage states it is hosted by AuctionTime.com. Not one website listed in Paragraph 9 is hosted by Equipmentfacts. (**Exhibit 5**).

27. Mr. Welch labeled me during his testimony as the pioneer in providing online bidding services for auctions. He misrepresented what a white label service is during his testimony and now in his newly submitted Declaration.

28. The Plaintiff has misrepresented to the court what a white label solution is and what a Portal or Marketplace is.

29. During my testimony I tried to explain the difference. Equipmentfacts and its competitors, such as Proxibid, are an auction platform which provides a portal site or a marketplace to bring buyers and sellers of heavy equipment together. Sellers are auctioneers that solicit dealers, contractors, lending institutions and other entities to sell their items at their public auction. This public auction is attended by bidders onsite and bidders online through its Portal or Marketplace.

30. An auction company hires a company like Equipmentfacts because Equipmentfacts provides services that are essential to an auctioneer for its auction. These services include advertising, marketing, bidder management, inventory management and post auction reporting and assistance. Significantly, a Portal or Marketplace provides a list of bidders that work with their marketplace. The bidders are provided bidder numbers that are unique as they only work with the Equipmentfacts system. The bidder numbers cannot be used by a competitor. In order to obtain a bidder number and password to attend an auction online, each user must agree and accept the Terms & Conditions. These Terms and Conditions are for the Portal or Marketplace. (**Exhibit 6**). A Portal or Marketplace will get paid a fee for each auction and will earn a commission based on the amount of money spent by its bidders. In most cases, a Portal or Marketplace will send staff to handle the online auction on the auction day. The purpose of doing this is to ensure the auction runs smoothly and so more commissions can be made.

31. When I was the owner of Equipmentfacts, I would never allow an auction company to handle this task, I wanted to be in control of the online auction so that we make the most commission. This is also the way Equipmentfacts performed auctions.

32. Whether Sandhills builds and hosts a website for an auction company or if the auction company has their own website and links it to the Equipmentfacts website, every aspect of the auction happens on the Equipmentfacts website. The auctions are listed and advertised on the Equipmentfacts website, bidders must login through the Equipmentfacts website, bidders must click on the Enter Auction button on the Equipmentfacts website and bidders need to click on the Bid button located on the Equipmentfacts website. There is no other option for bidders to enter the auction other than using [www.equipmentfacts.com](http://www.equipmentfacts.com). If a bidder has problems logging into an auction, has a problem with an item they purchased or if they want to get approved to bid, they

will call the Equipmentfacts Customer Service number at 908-788-2025. As of March 7, 2020, there are 281 auctions listed on the Equipmentfacts website. (**Exhibit 7**). On Facts Technology's website there are no auctions listed and there never will be.

33. A white label solution is very simple and definitely not as lucrative as a Portal or Marketplace.

34. A white label solution, as Facts Technology would provide, licenses a generic software package to an auction company. Once an auction company executes the license agreement, it is given a username and password permitting them to log into their own website and customize the entire software program and website with their brand. No branding of Facts Technology is present. No links or tabs are inserted for any auction that Facts Technology would run – because that is not what we are doing. The software provides the auction company with their own bidder database and their own Terms & Conditions that are specific to its company. (**Exhibit 8**).

35. A white label solution provider does not provide any marketing or advertising, does not manage bidders, does not handle any inventory or post auction activities. (**Exhibit 9**).

36. The auction company would handle all aspects of the auction and handle customer support to their own bidders. This is what Sandhills and/or Equipmentfacts does.

37. Auction companies will engage the services of a white label company to provide an online bidding system exclusively for their “VIP” bidders or for when they host a private auction that is only open to a select group of bidders. Bigger auctions would be handled by companies such as Sandhills or Proxibid.

38. In regards to the Sandhills Electronic Communications and Computer Policy contained in the Sandhills Employee Handbook that all employees are required to read and acknowledge prior to commencing employment which is Sandhills Exhibit 1 to the newly submitted Declaration of

Mr. Welch, I have never seen this actual document nor has any of the staff that has worked under my supervision in the New Jersey office.

39. Based on the conduct of Sandhills, I do not believe this document is authentic. I believe it is possible that this email policy could have been inserted after the fact. If this document was altered at all after my acceptance, it is Sandhills' responsibility to notify me and all employees of these changes, and I never received a notification nor was one provided during any legal proceedings.

40. Notwithstanding this, even if this policy was in place during my employment, I had authorization since I was hired as the Manager of Auction Services to use my personal email or personal computers. This was a known fact. I reviewed Exhibit 2 to Mr. Welch's Declaration, and I am not convinced this document is authentic as there are two dates shown on this document, July 16, 2018 and August 3, 2018. It also seems to be a small snapshot of a much larger document, and it is not clear as to what the full document contains. Why did Sandhills not provide these documents at the hearing?

41. Moreover, any use of my personal email was not done to perform work for a new business or competitor.

42. It was clear that Sandhills' position changed during the cross-examination of Mr. Welch on February 21, 2020. Specifically, Mr. Welch was confronted with emails and documents that disputed his testimony and the evidence submitted by Sandhills – the very same evidence that was the catalyst for Sandhills 1 and the objection to my son's unemployment application. After the first morning recess at the February 21, 2020 hearing, Mr. Welch he then began making an argument about the use of my personal email being the issue. This was never Sandhills' issue. The issue was

they speculated that I used my personal email to steal alleged confidential and proprietary information.

43. After the two hours of providing testimony, Sandhills never questioned me about this email policy or as to what an actual white label service is. I was also never asked whether Equipmentfacts provides a white label solution.

44. I hope that Your Honor can see what is really happening here. I also hope that my testimony clarified the issues that are being twisted by Sandhills. I simply want to be able to provide for my family.

45. As I testified, I have not performed any auctions in months and have stopped all work for the time being. I believe Facts Technology could perform auctions that do not compete with Equipmentfacts. However, at a minimum, I should be able to provide white label solutions for software programs because Sandhills does not provide this service.

46. Lastly, I never worked for Bidpath or Bidfacts. In addition, the current composition of Facts Technology is only myself. However, I did have employees but let them go once the temporary restraining order was entered.

I certify that the foregoing statements are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated:

3/12/20



A handwritten signature in black ink, appearing to read "Lawrence Garafola". The signature is fluid and cursive, with a horizontal line drawn through it.

LAWRENCE GARAFOLA

# **EXHIBIT 1**

[sandhills.com/news/article/20198](http://sandhills.com/news/article/20198)

**ABOUT US** **BRANDS** **LOCATIONS** **View Auction Items**  **CONTACT US** **NEWS** **CAREERS**

[AuctionTime.com & Auction Flex to Host Auctioneer Forums in Montana & Kansas](#)

[AuctionTime.com Sells Over \\$7 Million in Equipment, Trucks & Trailers in January 15th Auction](#)

[Over \\$10.7M in Assets Sold Through HiBid.com Last Week: Rare Coins, Taxidermy, Jewelry & More for Sale in Upcoming Auctions](#)

[AuctionTime.com Sells Over \\$7 Million in Equipment, Trucks & Trailers in January 8th Auction](#)

[Bobcat & Sandhills Global Launch BobcatUsed.com, Announce Sandhills' Inclusion in Preferred Dealer Website Program](#)

[AuctionTime.com & Auction Flex to Host Auctioneer Forum January 16th in Greensboro, North Carolina](#)

[AuctionTime.com & Auction Flex to Host Auctioneer Forum January 14th in Minnesota](#)

[AuctionTime.com's Biggest Sale of the Year Contributors to \\$105 Million in December Sales of Equipment, Trucks & Trailers](#)

**Estate Auction**  
Seller: [Online Nashville Auctions](#)  
Date: January 27th–February 3rd, 2020  
Lots: 364  
[View Auction Items](#)

If you're looking to sell through HiBid.com, [click here](#) to describe what you wish to sell, and a local HiBid auctioneer will help you get started.

Interested in receiving updates from HiBid? [Sign up to receive newsletter emails](#), and follow [HiBid Auctions on Facebook](#) and [LinkedIn](#).

**About HiBid & Auction Flex**  
Auction Flex is the market-leader in auction software for live auctions, with capabilities that include cataloging, clerking, cashiering, accounting, mailing list management, inventory management, multi-parcel, and more. Auction Flex also provides a seamless solution that enables auction houses to upload auction catalogs online and accept internet absentee bids, conduct internet only auctions, or offer webcast live internet bidding through its integrated web service and internet bidding solution. HiBid (both a private-label solution and a portal), Auction Flex and HiBid, products of Sandhills Global, were built from the ground up to function together seamlessly.

**Contact Auction Flex**  
352-414-1947  
[sales@auctionflex.com](mailto:sales@auctionflex.com)

[auctionflex.com/about-hibid/](http://auctionflex.com/about-hibid/)

# HiBid

HiBid is the name of Auction Flex's Integrated Web Service and Internet Bidding Solution. HiBid is unique in that it's both a private-label solution and a portal. To view the HiBid portal and all HiBid customer auctions, check out [www.hibid.com](http://www.hibid.com).

**CONTACT US FOR MORE INFORMATION**

**Private-Label**

HiBid can be used to power your website no matter where your website is hosted. We start by creating a premium hosted website. We then provide you 3 special links to use from your website. These 3 links are for:

- [Upcoming Auctions with or without internet bidding](#)
- [Past Auctions](#)
- Email List [Subscribe / Unsubscribe](#)

With these links in place you literally never need to manually update your website again.

Should you prefer to manually update your website with your upcoming auctions you can directly link into your catalog on the HiBid web service.

auctionflex.com/about\_hiBid

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To view the HiBid portal and all HiBid customer auctions, check out [www.hibid.com](http://www.hibid.com).

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- [Past Auctions](#)
- Email List [Subscribe / Unsubscribe](#)

With these links in place you literally never need to manually update your website again.

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sandhills.com/about\_hiBid

**ABOUT US**   **BRANDS**   **LOCATIONS**      **CONTACT US**   **NEWS**   **CAREERS**

**Estate Auction**  
Seller [Online Nashville Auctions](#)  
Date: January 27th-February 3rd, 2020  
Lot: 364  
[View Auction Items](#)

If you're looking to sell through HiBid.com, [click here](#) to describe what you wish to sell, and a local HiBid auctioneer will help you get started.

Interested in receiving updates from HiBid? [Sign up to receive newsletter emails](#), and follow [HiBid Auctions on Facebook](#) and [LinkedIn](#).

**About HiBid & Auction Flex**  
Auction Flex is the market leader in auction software for live auctions, with capabilities that include cataloging, clerking, cashiering, accounting, mailing list management, inventory management, multi-parcel, and more. Auction Flex also provides a seamless solution that enables auction houses to upload auction catalogs online and accept internet absentee bids, conduct internet only auctions, or offer webcast live internet bidding through its integrated web service and internet bidding solution HiBid (both a private-label solution and a portal). Auction Flex and HiBid, products of Sandhills Global, were built from the ground up to function together seamlessly.

**Contact Auction Flex**  
352-414-1947  
[sales@auctionflex.com](mailto:sales@auctionflex.com)

# EXHIBIT 2



PRODUCT FEATURES ADVANTAGES ONLINE DEMO CONTACT US

# ADVANTAGES

## » PRODUCT

## » FEATURES

## » ADVANTAGES

## » ONLINE DEMO

## » CONTACT US

[START NOW!](#)

## WHAT'S THE ADVANTAGES?

AuctioneerFacts is designed for optimal simplicity and efficiency. This system requires only the most minimal integration. Even for those with no previous experience with online auctions, our broadcast solution requires minimal investment to get started. To minimize start up costs, our new generation Auction System can even make use of your first-generation auction cameras and microphones as a source of audio-video data.

### AUCTIONEERFACTS SYSTEMS... SIMPLE, ECONOMICAL AND VERSATILE

- ✓ Guarantee of Accessibility and Usability for your users;
- ✓ Customized and exclusive packages;
- ✓ Fully integrated white label solution including both live broadcast auction and timed auction;
- ✓ Great flexibility that enables efficient integration with other management systems;
- ✓ Easy integration for your IT staff with our expert support;
- ✓ Your bidder pool is fully protected;
- ✓ Seamless integration to your corporate look and feel;
- ✓ Friendly work team;
- ✓ Proven technology used by over a 1,000 auctioneers over the last 12 years;
- ✓ Service-oriented architecture (SOA);
- ✓ Competitive pricing structure, with no commissions on your sales;

- ✓ Long-term consultative partner approach;
- ✓ Ability to integrate payment and online deposit solutions;
- ✓ PCI-certified solution for superior data security;
- ✓ Google friendly, SEO-driven (Search Engine Optimization) catalogue;
- ✓ No special software, applets or plugin downloads required by your online clients.

[SITE MAP](#)   [INTEGRATION](#)   [GLOSSARY](#)   [TERMS OF USE](#)



AuctioneerFacts, a Facts Technology Company is an online auction solution designed with efficiency and performance in mind. Our 100% web-powered auction platform boasts a variety of features, including a user-friendly Clerk module, an efficient Bidder module, a flexible administrative module and a comprehensive statistics module. AuctioneerFacts, a Facts Technology Company's online auction software brings timed auctions and webcast auctions to auctioneers and bidders wanting to experience the benefits of new generation auction systems. Designed for easy and efficient integration with other management systems, AuctioneerFacts allows clients to customize and set up the platform to reflect their brand image and auction needs.

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# EXHIBIT 3

witcherauctions.com/crawfordsville

Auction Catalog & Information

CLICK HERE FOR CURRENT AUCTION LISTINGS

Click on one of our partners below to bid live online!

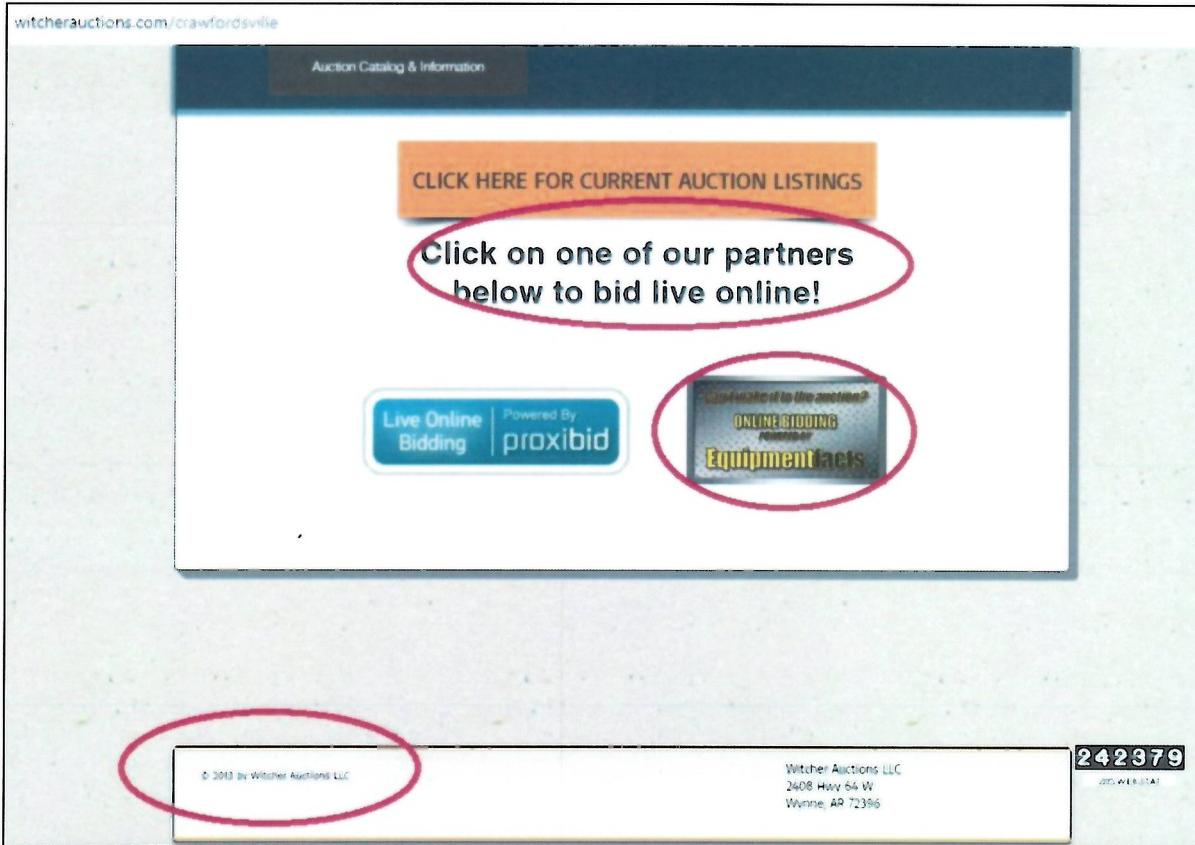
Live Online Bidding | Powered By proxibid

How make it to the auction? ONLINE BIDDING POWERED BY Equipmentfacts

© 2013 by Witcher Auctions LLC

Witcher Auctions LLC  
2408 Hwy 54 W  
Wynne, AR 72396

242379



WCA

HOME WHY WCA? SELLING AT AUCTION BUYING AT AUCTION SUPPORTIVE SERVICES AUCTIONS CONTACT WCA BUY IT NOW

NEXT AUCTION: Western Construction Auctions, El Centro CA

Friday, March 6th, 2020  
8:30 AM  
Near 2599 West Hardy Road, El Centro, CA 92243

Online Bidding Options

Click The Proxibid Logo Below For Current Inventory

Live Online Bidding | Powered By proxibid

Click The Equipment Facts Logo Below For Current Inventory

Equipmentfacts

Upcoming AUCTION: Western Construction Auctions, Perris CA

Friday, April 3rd, 2020  
8:30 AM  
2021 Goetz Road, Perris CA 92570

Online Bidding Options

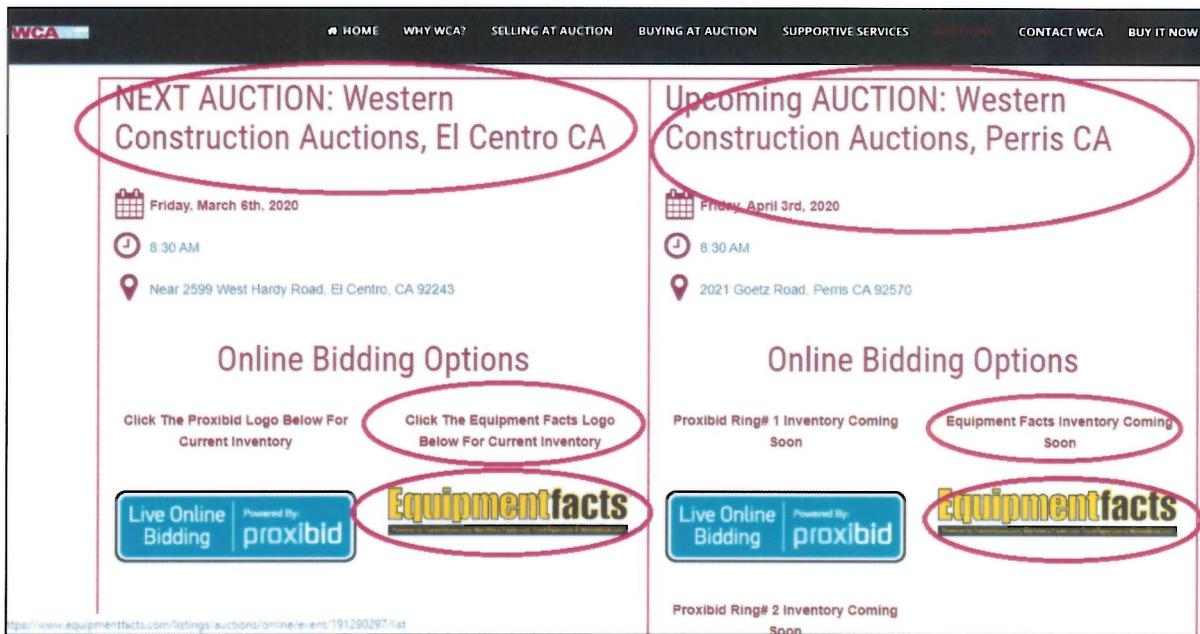
Proxibid Ring# 1 Inventory Coming Soon

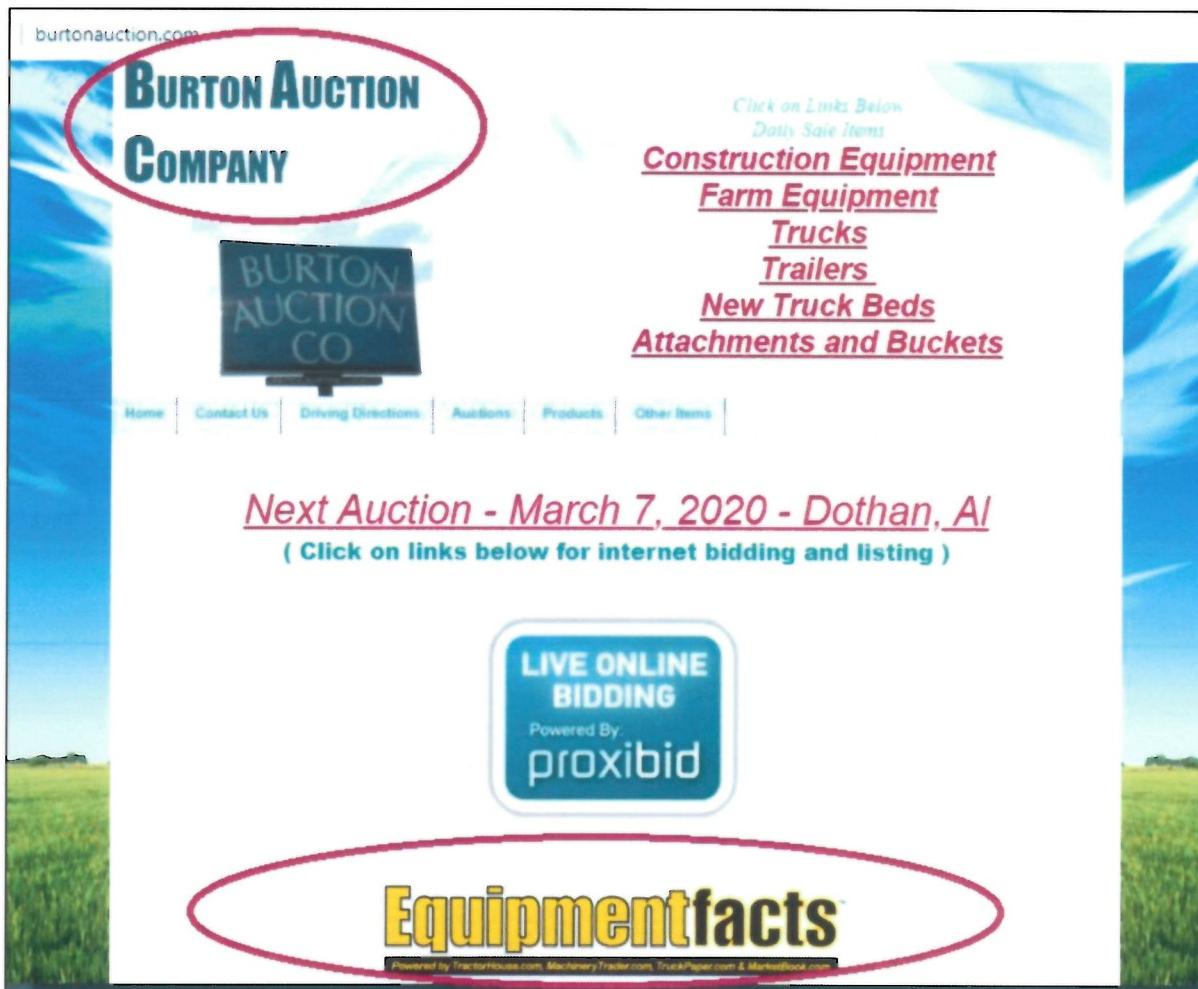
Live Online Bidding | Powered By proxibid

Equipment Facts Inventory Coming Soon

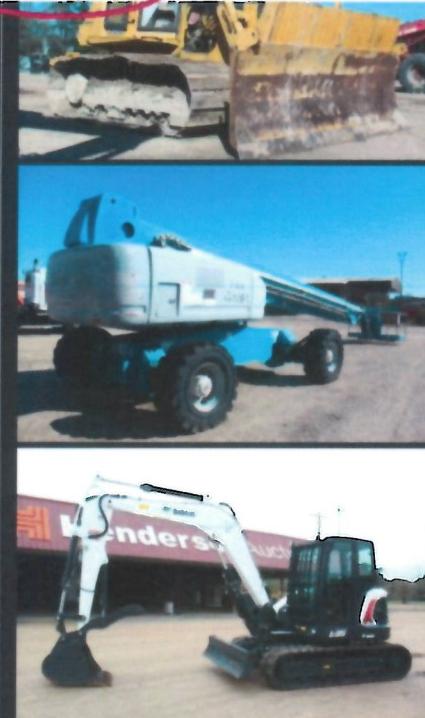
Equipmentfacts

<https://www.equipmentfacts.com/listings/auctions/online/event/191290297/list>





[hendersonauctions.com/u/coming-auctions/3-day-spring-contractors-auction-2/3-day-spring-contractors-auction/](http://hendersonauctions.com/u/coming-auctions/3-day-spring-contractors-auction-2/3-day-spring-contractors-auction/)



Register for Online Bidding at the Links Below:

[CLICK HERE to Register & Bid with Proxibid >>](#)

Proxibid Bidding Registration Questions? Call 877-505-7770. Questions about auction lots call 225-686-2252. (Please register 24 hours before the auction, pre-bidding is available 24 hours before live bidding) YouTube video bidding tutorial here <https://www.youtube.com/watch?v=Bx4z3nqLw1M> email [info@proxibid.com](mailto:info@proxibid.com)

[CLICK HERE to Register & Bid with Equipment Facts >>](#)

To register to bid, simply click on the Register to bid link on the home page and go through the two-step registration process. Any information submitted through the registration process is 100% confidential.

Questions about registering with Equipment Facts? Call: Call 402-479-2119

**Auction Terms:**

**Buyer's Premium:**

**Day 1 Buyer's Premium: 10% on the 1st \$5,000, then 3% on the remaining balance of each item.** This is calculated on each item. (3% additional internet fee if bidding online to all purchases)

**Day 2 Buyer's Premium: 10% on the 1st \$5,000, then 3% on the remaining balance of each item.** This is calculated on each item. (3% additional internet fee if bidding online to all purchases)

**Day 3 Buyer's Premium (Live Auction): 10% on each item purchased.** (3% additional internet fee if bidding online to all purchases)

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US Auctions conducts monthly auctions in California, bringing together an eclectic mix of vehicles

## Auction Calendar

**Saturday March 14th- Ontario, CA**  
Over 150 cars, police cars, pickup trucks, vans, SUV's, utility trucks, bucket trucks, stakebed trucks, stakebed and flatbed trucks, refuse trucks, construction equipment and many more.

**Can't make it to the auction?**  
**ONLINE BIDDING**  
**POWERED BY**  
**EquipmentFacts**

## Auction Listings

Click on any of the auctions to see a complete listing of all the items that will be offered. Please visit this page often to stay updated with the latest news.

① Not secure | shetronequipment.com

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**"Bid Fast"**

<b>March 25th Auction</b> Lebanon, PA	<b>March 27th Auction</b> Shippensburg, PA
<b>April 24th Auction</b> Shippensburg, PA	<b>May 27th Auction</b> Lebanon, PA

**103 Hammond Road**  
**Shippensburg, PA 17257**

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**Can't make it to the auction?**  
**ONLINE BIDDING**  
powered by  
**Equipmentfacts**.com



Custom Trailer Builders



# EXHIBIT 4

**EquipmentFacts**  
Powered by Proxibid Marketplace Software by Software Solutions Inc. © 2000-2009

 SIGN UP NOW for the EquipmentFacts.com Weekly Update!

**REGISTER**

\* First Name  
Company Name  
\* Physical Address (no PO Boxes)  
Address Line 3  
\* Country  
Select Country  
Postal Code  
\* Listed Phone Number  
TimeZone  
(UTC-05:00) Central Time (US & Canada)

Your email address will be your username.  
Email  
\* Retype Email

\* Password (At least 8 characters)  
\* Retype Password

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# EXHIBIT 5

**IOWA MACHINERY MAN** is comprised of a team of individuals that bring knowledge, expertise and experience to the market for buyers and sellers of agricultural equipment. Our Team consists of Ben Hollesen, Jeremy Thiesen, Ryan Warren, and Mike Mielke. We all bring a unique set of skills to the farm equipment auction business. Ben has specialized in live auctions since 2007 and has first-hand working knowledge of the live auction process. Jeremy has worked in farm equipment sales for past 15 years and brings a hands-on approach to selling equipment. His passion for and interest in agricultural equipment is unmatched in the field of equipment sales. Ryan has been in the farm equipment business for the past 12 years and brings a wealth of knowledge to the technology side of the business as our in-house IT guy. Mike grew up on a farm and has experience in the agricultural equipment market that dates back to 1983. Mike has recently joined our team, and with his extensive knowledge of the industry through his 35+ years of experience, is excited to help you with your equipment needs. Give us a call today if you're in the market to buy or sell quality used farm equipment.



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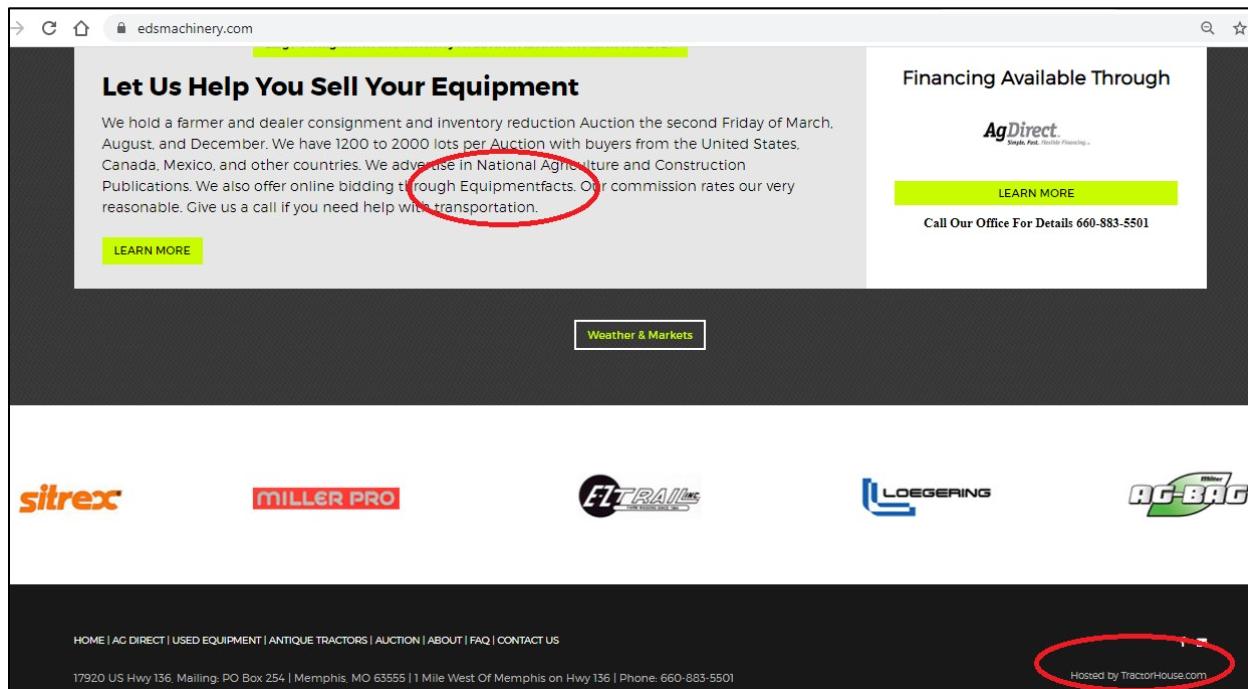
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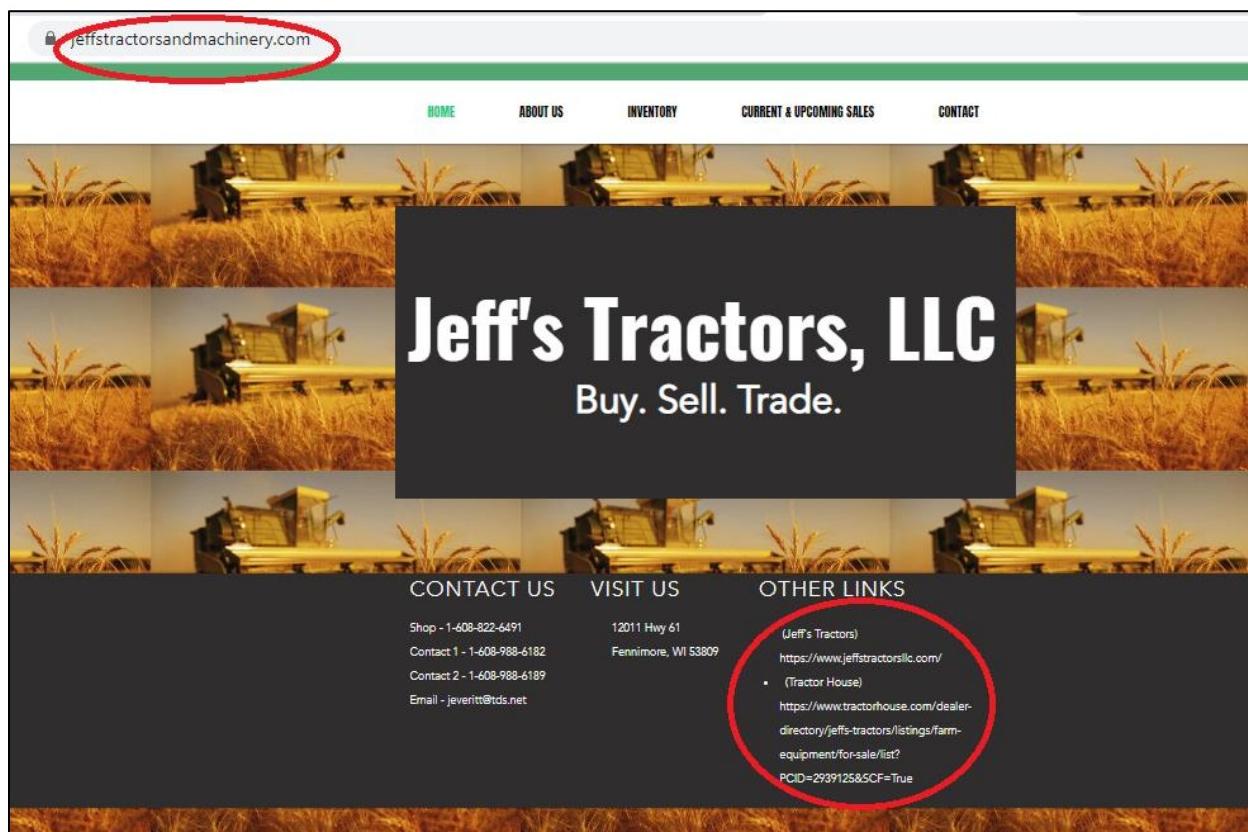
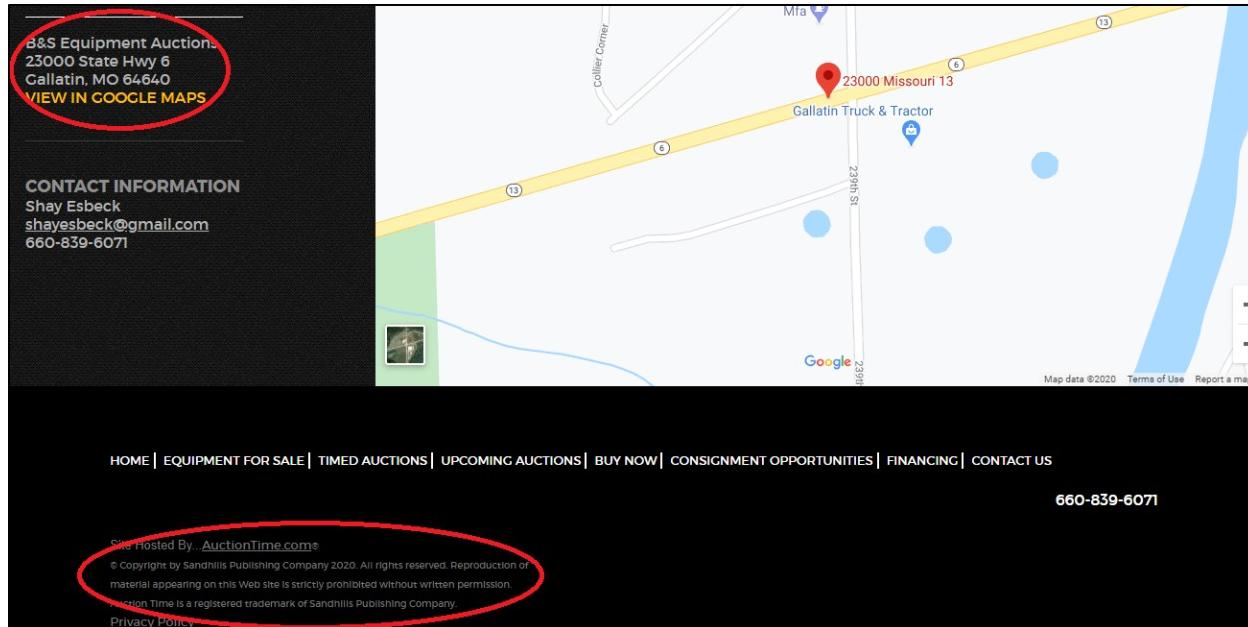
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# **EXHIBIT 6**

**TERMS AND CONDITIONS**

6) Bidders are personally responsible for any bids made with their Bidding Number. If the highest bid for any particular lot is submitted using your Bidding Number, you are responsible and liable for any payments due hereunder, without protest, set-off or claim against the Auctioneer or Equipmentfacts LLC ("Equipmentfacts").

7) The highest bidder for each Lot shall be the Purchaser, and in the event of any dispute the Auctioneer and Equipmentfacts shall have absolute discretion either to settle such dispute as they determine or to re-offer the lot for sale.

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9) You acknowledge and understand that the descriptions of the Lot(s) in the catalogue for each auction are provided by the Vendor(s) or other third parties over whom the Auctioneer and Equipmentfacts have no control, not by the Auctioneer or Equipmentfacts. The Auctioneer and Equipmentfacts shall not be liable for any deficiencies, misstatements, misrepresentations and/or errors in any description(s), oral or printed, and neither the Auctioneer nor Equipmentfacts guarantee or warrant the authenticity, genuineness, origin, age, condition or quality of any Lot(s), and all statements as to these matters whether contained in the catalogue or made orally are statements of opinion only and not to be taken as being or implying a statement or representation of fact by the Auctioneer or Equipmentfacts. All claims against the Auctioneer and Equipmentfacts, and their respective employees and agents, arising out of or related to any Lot description are hereby

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1) Bidder agrees to pay the full hammer price plus applicable sales tax and any other fees or charges required by law for purchase at your auction in (Auction Location) on (Auction Date). We hereby agree that no stop payment will be issued in conjunction with this letter."

2) Buyer will pay a 2% Internet Purchase Fee on the "hammer price" (winning bid amount) for all online purchases plus the Auctioneer's Buyers Fee.

3) Applicable State of Sales Tax will be charged on all Lots. Bidders from outside the State will be exempt from Sales Tax if they provide an approved tax exemption status form and exception certificates that are acceptable to the State.

4) Payment in full must be made within 48 hours in the form Cash, Wire Transfer, Cashier's Check or a Company Check accompanied with a bank letter of guarantee.

5) All purchases must be removed from the premises in one week.

6) Bidders are personally responsible for any bids made with their Bidding Number. If the highest bid for any particular lot is submitted using your Bidding Number, you are responsible and liable for any payments due hereunder, without protest, set-off or claim against the Auctioneer or Equipmentfacts LLC ("Equipmentfacts").

7) The highest bidder for each Lot shall be the Purchaser, and in the event of any dispute the Auctioneer and Equipmentfacts shall have absolute discretion either to settle such dispute as they determine or to re-offer the lot for sale.

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**TERMS AND CONDITIONS**

# EXHIBIT 7

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**Q.U.E.** QUALITY USED EQUIPMENT QUE SALES INC M.C.P.A. Spring Equipment Auction Today, March 7, 2020 8:30 AM EST Description: Morrison's Cove Produce Auction annual spring equipment auction featuring tractors, farm machinery, heavy construction, compact construction, attachments/implements, lawn and garden and much ...View More **ENTER AUCTION** **TERMS AND CONDITIONS** **LIVE**

**Dunn Deal Auction Co.** SOLD Dunn Deal Auctions 2020 Winter Cincinnati Heavy Equipment Truck & Trailer Auction Today, March 7, 2020 9:00 AM EST Description: Excavating Equipment, Construction Equipment, Ag Equipment, Commercial Trucks & Trailers and More Lebanon, Ohio Phone +1 614-946-5853 Fax na **ENTER AUCTION** **TERMS AND CONDITIONS** **LIVE**

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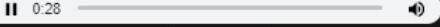
**Live Bidding Online - For Tech Support Call (908) 788-2025**

**Canning Auction Service Spring Consignment Sale**

**Start Time:** Today, March 7, 2020 12:00 PM CST    **End Date:** Today, March 7, 2020

**Sale Catalog**    **Auction Details**

**Log In | Register** to bid on this auction.

**Lot #75**    **Equipment Details** 

**CASE IH 7130**  
Tractors - 175 HP to 299 HP

Serial Number : 994992    Condition : Used

Engine :    Drive : MFWD

Horsepower : 188

Buyer's Premium: 10%  
Buyers Premium Cap: USD \$750.00

Current Bid : **USD**  
**\$10,000.00**

Bidding Disabled

**MUTE AUDIO**

**Bid History**

**FLOOR BIDDER: USD \$10,000.00**  
**FLOOR BIDDER: USD \$5,000.00**  
**Auctioneer Started Bidding on Lot# 75**

**AUCTION MESSAGE**    Park doesn't work on tractor

# EXHIBIT 8

**Terms And Conditions :**

Failure to pay for the item(s) that you are the successful bidder on will result in a penalty in the amount of 25% of the purchase price of the item(s). This penalty must be paid to the Auction Company within 48 hours of the auction.

- 1) There is a 7% Total Buyers Fee.
- 2) Applicable State Sales Tax will be charged on all Lots unless you are exempt from Sales Tax and provide a Sales Tax Exemption Form
- 3) Payment in full must be made within two business days of the auction
- 4) All purchases must be removed from the premises with five business days
- 5) Bidders are to be held personally liable for any bids made with their Bidding Number
- 6) The highest bidder for each Lot shall be the Purchaser, and in the event of any dispute the Auctioneers shall have absolute discretion either to settle such dispute or to re-offer the lot for re-sale.
- 7) The Auctioneer accepts no liability for loss or damage howsoever arising from any Lots not presented for sale
- 8) The Auctioneer has described the Lot(s) in the catalog to the best of their ability and belief from information furnished by the Seller(s). The Auctioneer undertakes no liability in respect of any faults, deficiencies and errors of any description, oral or printed, nor do they accept responsibility for the authenticity, genuineness, origin, age, condition or quality of any Lot(s) and all statements as to these matters whether contained in the catalog or made orally are statements of opinion only and not to be taken as being or implying a statement or representation of fact.
- 9) Each and every Lot is sold "as is, where is". The Auctioneer provides no guarantees or warranties (express or implied) in respect of the item contained in the Lot. All representations made by the Auctioneer, its servants or agents are to be considered lay opinions only and the Auctioneer accepts no liability for any purchase made by a Buyer in reliance upon them.
- 10) The Buyer agrees to insure the item purchased against all losses from the Auction Date until removal of the item by the Buyer.
- 11) The Buyer acknowledges he/she has read and agrees to be bound by the additional terms and conditions set forth.

**Buyer's Fees :**

7%

**Offsite Terms And Conditions :**

Failure to pay for the item(s) that you are the successful bidder on will result in a penalty in the amount of 25% of the purchase price of the item(s). This penalty must be paid to the Auction Company within 48 hours of the auction.

- 1) There is a 7% Total Buyers Fee.

**Facts Technology and Auctioneer Facts are not shown on these terms**



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Terms and Conditions to obtain a Wolfe Auctions Bidder Number

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Last name:  First name:  Company:

E-mail address:  Primary language: English ▾ Time zone: US/Eastern ▾

Bidder Address

Address:  Address 2:  City:

Postal / Zip code:

Country:  Province / State:

Facts Technology and Auctioneer Facts are never mentioned in the terms

SC #AF-4146

**Terms And Conditions :**

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- 1) There is a 2% Internet Purchase Fee.
- 2) Applicable State Sales Tax will be charged on all Lots unless you are exempt from Sales Tax and provide a Sales Tax Exemption Form
- 3) Payment in full must be made within two business days of the auction
- 4) All purchases must be removed from the premises with five business days
- 5) Bidders are to be held personally liable for any bids made with their Bidding Number
- 6) The highest bidder for each Lot shall be the Purchaser, and in the event of any dispute the Auctioneers shall have absolute discretion either to settle such dispute or to re-offer the item for re-sale.
- 7) The Auctioneer accepts no liability for loss or damage howsoever arising from any Lots not presented for sale
- 8) The Auctioneer has described the Lot(s) in the catalog to the best of their ability and belief from information furnished by the Seller(s). The Auctioneer undertakes no liability in respect of any faults, deficiencies and errors of any description, oral or printed, nor do they accept responsibility for the authenticity, genuineness, origin, age, condition or quality of any Lot(s) and all statements as to these matters whether contained in the catalog or made orally are statements of opinion only and not to be taken as being or implying a statement or representation of fact
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- 10) The Buyer agrees to insure the item purchased against all losses from the Auction Date until removal of the item by the Buyer.
- 11) The Buyer acknowledges he/she has read and agrees to be bound by the additional terms and conditions set forth.

**Buyer's Fees :**

There is a 10% Buyer's Premium and 2% online bidding fee for all items. Payment is expected within 48 hours of receipt of invoice and must be received in full before any item(s) will be released.

**Offsite Terms And Conditions :**

Full pickup location will be disclosed upon receipt of payment in full. Please check the description of each item for City and State in which items are located. All items should be picked up no later than Friday, March 20, 2020 at 4pm. Auctioneer will coordinate pickup with each buyer upon receipt of payment in full.

# **EXHIBIT 9**



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(X) 9665) 2013 FORD F250 XLT SUPER DUTY 4X4 EXT CAB PICKUP Lot 25B Current bid SOLD 1000 USD <a href="#">detail</a>	(X) 2012 FORD F250 XLT SUPER DUTY 4X4 EXT CAB PICKUP Lot 25C Current bid SOLD 500 USD <a href="#">detail</a>	(X) (9664) 2011 FORD F250 XLT SUPER DUTY 4X4 EXT CAB PICKUP Lot 25D Current bid SOLD 1000 USD <a href="#">detail</a>	(X) (3471) 2004 FORD F-350 EXT CAB DUAALLY 4X4 PICKUP, VIN- Lot 26 Current bid SOLD 1000 USD <a href="#">detail</a>
1 2 3 4 5 6	7 8 9 10 11 12	13 14 15 16 17 18	19 20 21 22 23 24
25 26 27 28 29 30			

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Mid Atlantic Contractors Auction  
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Private Webcast auction  
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